

Application Serial No.: 10/600,434  
Reply to Office Action dated July 29, 2004

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-8 are presently active in this case, Claims 1 and 2 having been amended and Claims 5-8 having been added by way of the present Amendment.

In the outstanding Official Action, Claims 1 and 2 were rejected under 35 U.S.C. 102(b) as being anticipated by Kanaya et al. (U.S. Patent No. 6,619,783). Claims 3 and 4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kanaya et al. in view of Nozawa (U.S. Patent No. 5,128,690). For the reasons discussed below, the Applicant requests the withdrawal of the art rejections.

In the Office Action, the Kanaya et al. reference is indicated as anticipating each of Claims 1 and 2. However, the Applicants note that a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As will be demonstrated below, the Kanaya et al. reference clearly does not meet each and every limitation of the amended independent Claims 1 and 2.

Amended Claims 1 and 2 recite not only a purging operation to remove particles of dirt, but also that the pressure applied to the ink surface of each orifice is maintained approximately to the atmospheric pressure such that the surface of the ink is not set back from the orifice plate toward the ink supply path after the purging operation. That is, particles of dirt contained in the ink are not returned to the ink supply path after the purging operation and are removed by sucking the ink remaining in the vicinity of orifice and on the

surface of the orifice plate surrounding the orifice. (See Fig. 3) Therefore, clogging of the ink supply path due to the remaining ink can be reliably prevented.

The Kanaya et al. reference does not disclose the aforementioned feature of the present invention. The Kanaya et al. reference describes a suction pump (122) for imparting negative pressure to the interior space of the capping member (121) that is provided below the capping member (121). The capping member (121) acts as a cap member for preventing drying of the nozzle orifices of the recording head (112) while the printer is in an idle mode. Further, the capping member (121) acts as head cleaning means for sucking ink by imparting negative pressure generated by the suction pump (122) to the recording head (112). The Kanaya et al. reference does not discuss maintaining the pressure applied to the ink surface of orifices (5a, 5b, 5c, 5d, 112b) approximately to atmospheric pressure.

The Kanaya et al. reference does not disclose or suggest a method or device for maintaining the pressure applied to the ink surface of each orifice approximately to atmospheric pressure such that the surface of the ink is not set back from the orifice plate toward the ink supply path after a purging operation, as recited in Claim 1 and 2 of the present application. That is, the Kanaya et al. reference does not disclose that a pressure applied to the ink surface is controlled in the same manner as it is in the present invention to reliably prevent particles of dirt contained in the ink from being returned to the ink bottle after the purging of flushing operation. Further, since ink remaining near the orifice in the Kanaya et al. reference is set back to form a meniscus before the ink is sucked, it becomes difficult to remove the particles from the remaining ink while the ink is sucked.

Application Serial No.: 10/600,434  
Reply to Office Action dated July 29, 2004

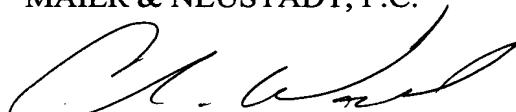
Accordingly, as the Kanaya et al. reference does not disclose all of the limitations recite din Claims1 and 2 of the present application, the Applicant respectfully requests the withdrawal of the anticipation rejection of Claims 1 and 2.

Claims 3 and 4 and newly submitted Claims 5-8 are considered allowable for the reasons advanced for Claims 1 and 2 from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of Claims 1 and 2. Support for the new claims is present on page 10, line 22, through page 14, line 12, of the specification.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Gregory J. Maier  
Registration No. 25,599  
Attorney of Record

Christopher D. Ward  
Registration No. 41,367

Customer Number

**22850**

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 10/01)

GJM:CDW:brf  
I:\atty\cdw\239465US3\am1.doc